

REMARKS

The present application stands with claims 1-6, 8-11, and 14-16 rejected under 35 U.S.C. §103(a) as being unpatentable over the cited Hippelainen reference in view of the cited Perlman patent and “well-established teachings in the art.” Previous allowance of claims 1-6 and 8-11 has been withdrawn. The Examiner has objected to claims 7 and 12 as being dependent on a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form. For the reasons below, the claims presently in the application are believed to be allowable.

Objected to claim 6 has been amended to correct for the noted informality.

With regard to the rejections of independent claims 1, 8 and 16 under 35 U.S.C. §103(a), it is respectfully submitted that the Examiner is incorrect regarding the teachings of the Perlman patent. Perlman in column 6, line 19 and reference numeral 404 in FIG. 4 refers to a 2-byte packet length field. One skilled in the art would look to that field to give the length of the packet in appropriate units. One skilled in the art would naturally assume those units to be constant, and there is nothing in Perlman to disabuse him of this view. The Examiner at some key points in his Detailed Action appears to accept this. For example, the Examiner states on the last line of his numbered page 4: “note that length field 404 specifies the length of packet in bytes.”

The packet type field 408 would similarly be understood by one skilled in the art to be a straightforward indication of packet type. Packets of different types can be of the same length. There is no teaching that units of the value presented in the length field 404 would be altered depending on packet type (as indicated in field 408).

It follows that having a packet length field in which the units in which the length is given is adjustable, and a separate field in which the units are indicated, runs directly contrary to the teaching of Perlman such that one skilled in the art contemplating Hippelainen, Perlman, Hippelainen in view of Perlman, or Hippelainen in view of Perlman in view of “well established teaching in the art”,

which the Examiner has filed to identify, could not arrive at the present claimed invention.

Applicants believe that the Examiner's initial decision that the independent claims were allowable is correct. In view of the above, the Examiner should see that the cited prior art does not give rise to a valid objection under 35 U.S.C. §103(a).

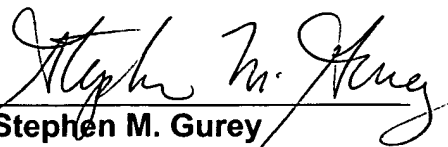
The claims dependent on the independent claims 1, 8 should therefore also be deemed allowable.

New claims 17 and 18 have been added in view of the Examiner's indication as to allowable subject matter. Claim 17 corresponds to claim 7 in a relatively slightly amended form. Claim 18 corresponds to claim 12 in a relatively slightly amended form.

In view of the foregoing, allowance of all the claims presently in the application and passage to issue of the subject application is respectfully requested. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact applicants' undersigned attorney at **973, 386-8252**.

Respectfully submitted,

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Date: November 10, 2004

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